

AMENDED IN SENATE JULY 17, 2007

AMENDED IN SENATE JULY 2, 2007

AMENDED IN SENATE JUNE 25, 2007

AMENDED IN SENATE JUNE 21, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 1743**

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### **Introduced by Assembly Member Huffman**

(Principal coauthor: Senator Migden)

**(Coauthor: Assembly Member Leno)**

(Coauthor: Senator Perata)

March 22, 2007

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An act relating to San Quentin State Prison.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1743, as amended, Huffman. San Quentin State Prison: condemned inmate facilities.

Existing law requires male state prison inmates who have been sentenced to death to be housed at San Quentin State Prison. An existing appropriation provided money for a new condemned inmate complex on that site.

This bill would make findings and declarations about the inadequacy of existing condemned inmate facilities, and the cost overruns of the proposed condemned inmate complex. The bill would prohibit the Department of Corrections and Rehabilitation from spending any money on the proposed condemned inmate complex at San Quentin State Prison until certain conditions are met. One of those conditions is the completion of an evaluation by the Bureau of State Audits on

condemned inmate facility alternatives. ~~Copies of the evaluation would be required to~~ *The bill would express the intent of the Legislature that copies of the evaluation would be distributed to certain committees of the Legislature by May 30, 2008.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Existing condemned inmate facilities at San Quentin State  
4 Prison do not meet the maximum security design criteria  
5 established by the Department of Corrections and Rehabilitation.

6 (b) In the Budget Act of 2003, two hundred twenty million  
7 dollars (\$220,000,000) was authorized for a new condemned inmate  
8 facility at San Quentin State Prison. The department's revised cost  
9 estimates reflect a 53 percent increase, even though the facility's  
10 proposed inmate capacity has been reduced by 25 percent from  
11 the initial authorization.

12 (c) Given rising construction costs and the history of  
13 underestimating costs for projects at the San Quentin State Prison  
14 site, total expenditures on the new condemned inmate complex  
15 could substantially exceed the three hundred thirty-six million five  
16 hundred thousand dollar (\$336,500,000) estimate.

17 (d) In their 2007–08 Judicial & Criminal Justice Budget  
18 Analysis, the Legislative Analyst's Office concluded that:

19 (1) The construction cost of the proposed condemned inmate  
20 complex, even if the department's new cost estimate is correct,  
21 would be three hundred thousand dollars (\$300,000) per bed, more  
22 than twice the cost of other high-security beds.

23 (2) In light of the various fiscal and operational problems with  
24 the project, the proposed condemned inmate complex at San  
25 Quentin State Prison should be cancelled and the remaining project  
26 funding be used to expand condemned inmate capacity elsewhere.

27 (e) The Legislature should reevaluate whether the proposed  
28 condemned inmate complex at San Quentin State Prison is a  
29 prudent expenditure of taxpayer funds and whether, given all  
30 relevant fiscal, public safety, correctional officer and inmate safety,

1 legal rights, and civil liberty considerations, there are better  
2 alternatives for housing male condemned inmates.

3 (f) The department owns 275 acres at the site of San Quentin  
4 State Prison, many of which are not actively used by the  
5 department. The proposed condemned inmate complex at San  
6 Quentin State Prison would be segregated from existing  
7 correctional facilities and occupy a large area in the southwestern  
8 portion of the department's property at San Quentin. As a result,  
9 its construction would foreclose opportunities for state partnership  
10 with local governments on noncorrectional, public uses of this  
11 land, including public transportation, health care, and affordable  
12 housing, including uses that could generate substantial revenues  
13 for the state. The state has not studied the alternative of  
14 constructing a condemned inmate complex at San Quentin State  
15 Prison in a manner that preserves the possibility for these  
16 noncorrectional uses in the southwestern portion of the San Quentin  
17 property.

18 (g) Identifying alternatives that obviate the need for a new  
19 condemned inmate complex occupying the southwestern portion  
20 of the San Quentin property could lead to potential savings in  
21 facility construction, and also preserve the state's ability to pursue  
22 the aforementioned noncorrectional uses of this portion of the San  
23 Quentin property while keeping the majority of the San Quentin  
24 property for correctional uses. This could produce substantial  
25 revenues for the state in addition to helping address local and  
26 regional transportation, health care, or affordable housing needs.

27 SEC. 2. The Department of Corrections and Rehabilitation  
28 shall not expend any money on the proposed condemned inmate  
29 complex at San Quentin State Prison until all of the following  
30 occur:

31 (a) The Evaluation of Condemned Inmate Facility Alternatives  
32 has been completed as specified in Section 3 of this act.

33 (b) The Legislature, interested parties, and the public have had  
34 40 days to review that evaluation.

35 (c) The Legislature expressly authorizes the expenditure of  
36 funds on that complex.

37 SEC. 3. (a) ~~The~~ *It is the intent of the Legislature that the Joint*  
38 *Legislative Audit Committee will request the Bureau of State Audits*  
39 ~~shall to~~ complete an Evaluation of Condemned Inmate Facility  
40 Alternatives. ~~The~~ *It is the intent of the Legislature that the*

1 ~~evaluation shall~~ will reflect the current legal requirement that the  
2 judgment of death be executed at San Quentin State Prison. ~~The~~  
3 ~~evaluation shall, and that the evaluation will~~ consider all of the  
4 following:

5 (1) A cost comparison between various alternatives, taking into  
6 account capital outlay costs in addition to projected expenditures  
7 on maintenance and operations.

8 (2) Use of prison facilities other than San Quentin State Prison  
9 to meet male condemned inmate housing needs.

10 (3) Whether facilities can be constructed to house some or all  
11 male condemned inmates at San Quentin in a manner that preserves  
12 the possibility for noncorrectional uses in the southwestern portion  
13 of the San Quentin State Prison property.

14 (4) Any alternatives that include housing condemned male  
15 inmates at facilities other than San Quentin State Prison shall meet  
16 the requirements of paragraphs (1) and (2) of subdivision (c) of  
17 Section 3600 of the Penal Code.

18 (5) Access and proximity to state and federal courts, counsel,  
19 medical care, and family.

20 (6) Concerns about housing condemned inmates in a location  
21 separate from the site of execution.

22 (7) Difficulty finding qualified counsel to represent inmates in  
23 habeas corpus proceedings.

24 (8) Costs associated with the distance between inmates, courts,  
25 counsel, medical care, and other relevant resources, particularly  
26 with regard to the unique needs of condemned inmates.

27 (9) Compliance with relevant legal orders.

28 (b) ~~Copies of the evaluation shall~~ *It is the intent of the*  
29 *Legislature that copies of the evaluation will* be distributed to the  
30 membership of the Assembly and Senate Committees on Public  
31 Safety, the Assembly Committee on Budget, the Senate Committee  
32 on Budget and Fiscal Review, and the Joint Legislative Budget  
33 Committee, no later than May 30, 2008.